

Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER P28993
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/561,041
INTERNATIONAL APPLICATION NO. PCT/JP2004/008786	INTERNATIONAL FILING DATE 16 June 2004	PRIORITY DATE CLAIMED 16 June 2003	
TITLE OF INVENTION FLUORESCENT PROTEIN AND PIGMENT PROTEIN			
APPLICANT(S) FOR DO/EO/US Atsushi MIYAWAKI, Hidekazu TSUTSUI, and Satoshi KARASAWA			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.			
<ol style="list-style-type: none"> <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (23) indicated below. <input type="checkbox"/> The US has been elected (PCT Article 31). <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)). <ol style="list-style-type: none"> <input checked="" type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154 (d) (4). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. .371(c)(4)). "Executed" <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 			
Items 11 to 22 below concern other document(s) or information included:			
11. Assignee: <u>RIKEN, of Saitama, Japan; and MEDICAL & BIOLOGICAL LABORATORIES CO., LTD., of Aichi, Japan</u>			
12. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
13. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
14. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.			
15. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. 1.76.			
16. <input type="checkbox"/> A substitute specification.			
17. <input type="checkbox"/> A power of attorney and/or change of address letter.			
18. <input type="checkbox"/> Figure of Drawing to be published:			
19. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825. (with paper copy/written of the same)			
20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154 (d) (4).			
21. <input type="checkbox"/> A second copy of the English language translation of the international of the international application under 35 U.S.C. 154 (d) (4).			
22. <input checked="" type="checkbox"/> Other items or information: Cover Letter. Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825. Copy of Notification of Missing Requirements (PCT/DO/EO/905).			

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/561,041		PCT/JP2004/008786		P28993	
23 <input type="checkbox"/> The following fees are submitted: Basic national fee.....300.00				CALCULATIONS	PTO USE ONLY
				\$ 0.00	
24 <input type="checkbox"/> Examination Fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33 (1)-(4).....100.00 All other situations.....200.00				\$ 0.00	
25 <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a) (2)) has been paid on the international application to the USPTO as an International Searching Authority.....100.00 International Search Report prepared and provided to the Office.....400.00 All other situations.....500.00				\$ 0.00	
TOTAL 23, 24 and 25 =				\$ 0.00	
<input type="checkbox"/> Additional Fee for Specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
114 -100=	14 /50 =	1	x \$250.00	\$ 250.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	35 - 20 =	15	x \$50.00	\$ 750.00	
Independent Claims	24 - 3 =	21	x \$200.00	\$4200.00	
Multiple Dependent Claim(s) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$5330.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$5330.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (i)).				\$ 130.00	
Extension of Time fee in the amount of \$				\$ 0.00	
TOTAL NATIONAL FEE =				\$5460.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
TOTAL FEES ENCLOSED =				\$5460.00	
				Amount to be refunded	\$
				Charged	\$
07/07/2006 HKAYPACH 00000124 10561041 01 FC:1681 250.00 OP 02 FC:1617 130.00 OP 03 FC:1615 750.00 OP 04 FC:1618 4200.00 OP 05 FC:1618 130.00 OP a. <input checked="" type="checkbox"/> A check in the amount of \$5460.00 to cover the above fees is included. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. c. <input checked="" type="checkbox"/> The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0089. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO CUSTOMER NO. 07055 AT THE PRESENT ADDRESS OF: Bruce H. Bernstein GREENBLUM & BERNSTEIN, P.L.C. 1950 Roland Clark Place Reston, VA 20191 (703) 716-1191 Stephen M. Roylance Reg. No. 31,296 Bruce H. Bernstein NAME 29,027 REGISTRATION NUMBER					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Atsushi MIYAWAKI et al. **Mail Stop PCT**
Appl. No. : 10/561,041 (National Stage of PCT/JP2004/008786)
I. A. Filed : June 16, 2006
For : FLUORESCENT PROTEIN AND PIGMENT PROTEIN

COVER LETTER

Mail Stop PCT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In order to comply with the requirements (copy enclosed) for the submission of an executed Declaration and English translation of the International Application set forth in the Notification mailed May 1, 2006 which sets a two-month period of response until July 3, 2006 (being that July 1, 2006 falls on a Saturday), Applicants hereby submit:


- Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
- an executed Declaration and Power of Attorney;
- a verified English language translation of the International application as originally filed (1 page of verification, 75 pages of specification with abstract, 8 sheets of drawings, 31 pages of sequence listing);
- a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825;

- a diskette containing sequence listing and paper copy/written of the same (24 pages);
- a Preliminary Amendment; and
- a check in the amount of \$5,460.00 of which \$130.00 is payment the surcharge for late filing of the Declaration, \$130.00 is payment of the Non-English translation, \$750.00 is payment of the extra claims over twenty, \$4,200.00 is payment of the extra independent claims over three, and \$250.00 is payment the application size.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, he is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
Atsushi MIYAWAKI et al.


Bruce H. Bernstein
Reg. No. 28,394

Stephen M. Roylance
Reg. No. 31,296

July 3, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/561,041	Atsushi Miyawaki	P28993

INTERNATIONAL APPLICATION NO.	
PCT/JP04/08786	
I.A. FILING DATE	PRIORITY DATE
06/16/2004	06/16/2003

07055
 GREENBLUM & BERNSTEIN, P.L.C.
 1950 ROLAND CLARKE PLACE
 RESTON, VA 20191

RECEIVED

MAY 04 2006

GREENBLUM & BERNSTEIN PLC

CONFIRMATION NO. 3770

371 FORMALITIES LETTER



OC000000018651992

Date Mailed: 05/01/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/16/2005
- Copy of the International Search Report filed on 12/16/2005
- Copy of IPE Report filed on 12/16/2005
- Oath or Declaration filed on 12/16/2005
- Biochemical Sequence Listing filed on 12/16/2005
- Request for Immediate Examination filed on 12/16/2005
- U.S. Basic National Fees filed on 12/16/2005
- Priority Documents filed on 12/16/2005
- Specification filed on 12/16/2005
- Claims filed on 12/16/2005
- Abstracts filed on 12/16/2005
- Drawings filed on 12/16/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - The text in the drawings has not been properly translated.

- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$260** for a Large Entity:

- **\$130 Surcharge.**
- **\$130** for English translation surcharge required.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/561,041	PCT/JP04/08786	P28993

FORM PCT/DO/EO/905 (371 Formalities Notice)